

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH PONDER,

Plaintiff,

Civil No. 04-6280-TC

v.

ORDER

WILLIAM PORTER, et al.,

Defendants.

COFFIN, Magistrate Judge.

Plaintiff has submitted a "Stipulated Judgment of Dismissal as to Defendants Eugene Christian Deaf Center and Church Mutual Insurance Company" (#39). The document was docketed as a motion to dismiss Eugene Christian Deaf Center and Church Mutual.¹

Although plaintiff submitted a letter from John F.

¹ A Findings and Recommendation that defendant Church Mutual's Motion to Dismiss be granted is pending.

Clearly, Vice President, Secretary, and General Counsel for defendant Church Mutual that indicates the company is "willing to look into" the matter of alleged false allegations against plaintiff and "to turn over to the proper authorities any evidence it may find of possible criminal activity," there is nothing in the record to indicated that defendants have agreed or stipulated to the judgment of dismissal without prejudice proposed by plaintiff.

Therefore, Plaintiff's motion for stipulated judgment (#39) is denied without prejudice to request reconsideration at which time, if any, that defendants Church Mutual and Eugene Christian Deaf Center stipulate to such a judgment.

IT IS SO ORDERED

DATED this 22 day of April, 2005.



Thomas M. Coffin
United States Magistrate Judge